IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

LA. App. No. 672 of 2004

LAR.64/1999 of SUB COURT,ATTINGAL
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR.

RESPONDENTS/CLAIMANTS:
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1. LEELAMMA, D/O. KUNJAMMA,
KULATHUMKARA VEEDU, AZHOOR P.O.

2. THE SECRETARY, AZHOOR PANCHAYATH.

BY ADV. SRI.V.R.GOPU

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 672 OF 2004

Dated this the 20th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 64/1999 on the file of Sub Court, Attingal. Acquisition is for the purpose of doubling the railway line. Section 4(1) notification was published on 03.08.1995. The extent of property is only 3.75 Ares. The Land Acquisition Officer awarded total compensation of Rs. 1,16,823/- per Are. The claimant had a case for Rs. 75,000/- per cent.

2. Reliance was placed on Exhibit A1 document where the land value is Rs. 37,000/- per are. Exhibit A1 is a document executed in the year 1993. On evidence it was found that the property covered by A1 is similar and similarly situated and hence the claimant can be granted land value as per the rates in Exhibit A1, that is Rs. 37,000/- per Are, though it is wrongly shown as per cent. What is granted is only additional compensation of Rs. 64,785/- for the entire 3.75 Ares.

Therefore, from the additional compensation given, it can be seen that the reference court has fixed the land value per Are. Since there is no contra evidence on the part of the appellant, in the facts and circumstances of the case, we are of the view that the value thus fixed by the reference court is just and proper. The appeal is hence dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp